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Strengthening of the United Nations system: strengthening of the United Nations system

Mexico: draft resolution

Judgment of the International Court of Justice of 31 March 2004 concerning *Avena and Other Mexican Nationals*: need for immediate compliance

The General Assembly,

Recalling its resolution 41/31 of 3 November 1986,

Noting that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Aware of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[1] relating to violations of the obligation to provide consular information without delay and to enable consular officers to communicate with, have access to and visit their nationals and to arrange for their legal representation, in accordance with the Vienna Convention on Consular Relations of 24 April 1963,[2] with respect to 52 Mexican nationals who had been sentenced to death in certain states of the United States of America, and in particular of paragraph 153 (9), in which it was established that the appropriate reparation consists in the obligation of the United States of America to provide, by means of its own choosing, review and reconsideration of the convictions and sentences of 51 Mexican nationals included in the Judgment,

Aware also of the Judgment of the International Court of Justice of 19 January 2009 regarding the request for interpretation of the Judgment of 31 March 2004,[3] in particular of paragraph 61 (2), in which it was established that the United States of

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23.
[2] United Nations, *Treaty Series*, vol. 596, No. 8638.
[3] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12.

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America had breached the obligation incumbent upon it under the Order indicating provisional measures of 16 July 2008,[4] in the case of Mr. José Ernesto Medellín Rojas,

Having considered that, to date, neither revision nor reconsideration has been granted to the Mexican nationals included in the Judgment of 31 March 2004,

Considering that six of the Mexican nationals included in the Judgment of 31 March 2004 have been executed,[5] in clear violation of the decision of the Court, constituting new breaches of the international obligations incumbent upon the United States of America and causing additional harm to Mexico,

1. *Urgently calls for* full and immediate compliance with the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[1] in conformity with the relevant provisions of the Charter of the United Nations;

2. *Requests* the Secretary-General to use his good offices towards the implementation of the present resolution.

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[4] Ibid., *Sixty-third Session, Supplement No. 4* (A/63/4), chap. V, sect. B.15.

[5] José Ernesto Medellín Rojas (2008), Humberto Leal García (2011), Edgar Tamayo Arias (2014), Ramiro Hernández Llanas (2014), Rubén Cárdenas Ramírez (2017) and Roberto Ramos Moreno (2018).